

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**TRISHA L. HOWELL, C.N.A.**

**CONSENT ORDER**

The Virginia Board of Nursing ("Board") and Trisha L. Howell, C.N.A., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Howell's certificate to practice as a certified nurse aide in the Commonwealth of Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Trisha L. Howell, C.N.A. was issued Certificate No. 1401-028970 to practice as a certified nurse aide by the Virginia Board of Nursing on February 15, 1992.

2. Ms. Howell violated § 54.1-3007(5) and (6) of the Code of Virginia (1950), as amended ("Code"), in that during the course of her employment with Town & Country Assisted Living, Lebanon, Virginia, during the evening shift of November 22-23, 2006, Ms. Howell consumed alcohol in the room of Resident A, a mental health resident. Specifically, just after midnight with the door closed to the resident's room, Ms. Howell was overheard socializing with Resident A. Upon entering Resident A's room, facility staff observed a 40 ounce beer between Ms. Howell's legs. The Lebanon Town Police were called to the facility and administered a breathalyzer which resulted in a .10 blood alcohol level ("BAC"). Ms. Howell admitted to the Lebanon Town Police that she was drinking alcohol with the resident and she had consumed alcohol between 2:00 and 4:00 p.m. before reporting to her shift at 4:00 p.m. During her conversation with the police, Ms. Howell had a strong alcohol odor about herself. At the time of this incident, Ms. Howell was the only staff member on duty and was responsible for supervising 18 residents, 15 of which were mental health residents. As a result of this incident, Ms. Howell was terminated and charged with neglect of an incapacitated adult.

3. Ms. Howell violated of § 54.1-3007(6) of the Code in that:
  - a. On August 10, 2006, Ms. Howell was found guilty of Driving While Intoxicated, 3<sup>rd</sup> Offense, and Child Endangerment, both felonies. These charges were taken under advisement for 12 months on the condition that Ms. Howell complied with supervised probation.
  - b. On October 7, 2003, Ms. Howell was found guilty of distribution of hydrocodone, a misdemeanor. Ms. Howell was placed on probation.
4. Ms. Howell violated § 54.1-3007(4) of the Code in that:
  - a. In the Circuit Court of Tazewell County, on April 26, 1991, Ms. Howell was convicted of forgery, a felony.
  - b. In the General District Court of Tazewell County, On February 24, 2000, Ms. Howell was convicted of concealment, a misdemeanor.

### **CONSENT**

Trisha L. Howell, C.N.A., by affixing her signature hereon, agrees to the following:

1. Ms. Howell has been advised to seek advice of counsel prior to signing this document;
2. Ms. Howell acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. Ms. Howell acknowledges that she has the following rights, among others: the right to a formal fact finding hearing before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. Ms. Howell waives all such right to a formal hearing;
5. Ms. Howell admits to the Findings of Fact contained herein and waives her right to contest such Findings of Fact in any subsequent proceeding before the Board;

6. Ms. Howell consents to the entry of the following Order affecting her right to practice as a certified nurse aide in the Commonwealth of Virginia.


**ORDER**

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. Certificate No. 1401-028970 of Trisha L. Howell is INDEFINITELY SUSPENDED.
2. The certificate will be recorded as suspended and no longer current.
3. At such time as Ms. Howell shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming safe and competent practice as a certified nurse aide. Ms. Howell shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD

  
Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director, Virginia Board of Nursing

ENTERED: May 11<sup>th</sup>, 2007

SEEN AND AGREED TO:

Trisha L. Howell  
Trisha L. Howell, C.N.A.

COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF Tazewell, TO WIT:

Subscribed and sworn to before me, Terresa Odum, a Notary Public, this 1 day of May, 2007.

My commission expires 9-31-2010.

Terresa Odum  
NOTARY PUBLIC